



## Senate

General Assembly

**File No. 527**

*January Session, 2001*

Substitute Senate Bill No. 1034

*Senate, May 1, 2001*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR DEPARTMENT OF CORRECTION OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 5-270 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (g) "Managerial employee" means [(1)] any individual in a position  
4 in which the principal functions are characterized by not fewer than  
5 two of the following, provided for any position in any unit of the  
6 system of higher education, one of such two functions shall be as  
7 specified in [subparagraph (D) below: (A)] subdivision (4) of this  
8 subsection: (1) Responsibility for direction of a subunit or facility of a  
9 major division of an agency or assignment to an agency head's staff;  
10 [(B)] (2) development, implementation and evaluation of goals and  
11 objectives consistent with agency mission and policy; [(C)] (3)  
12 participation in the formulation of agency policy; [(D)] or (4) a major  
13 role in the administration of collective bargaining agreements or major

14 personnel decisions, or both, including staffing, hiring, firing,  
15 evaluation, promotion and training of employees. [; or (2) Department  
16 of Correction employees at the level of lieutenant or above.]

17 Sec. 2. Subsection (b) of section 5-275 of the general statutes is  
18 repealed and the following is substituted in lieu thereof:

19 (b) The board shall determine the appropriateness of a unit which  
20 shall be the public employer unit or a subdivision thereof. In  
21 determining the appropriateness of the unit, the board shall: (1) Take  
22 into consideration, but shall not be limited to, the following: (A) Public  
23 employees must have an identifiable community of interest, and (B)  
24 the effects of overfragmentation; (2) not decide that any unit is  
25 appropriate if (A) such unit includes both professional and  
26 nonprofessional employees, unless a majority of such professional  
27 employees vote for inclusion in such unit, or (B) such unit includes  
28 both Department of Correction employees at or above the level of  
29 lieutenant and Department of Correction employees below the level of  
30 lieutenant; (3) take into consideration that when the state is the  
31 employer, it will be bargaining on a state-wide basis unless issues  
32 involve working conditions peculiar to a given governmental  
33 employment locale; (4) permit the faculties of (A) The University of  
34 Connecticut, (B) the Connecticut State University system, and (C) the  
35 state regional vocational-technical schools to each comprise a separate  
36 unit, which in each case shall have the right to bargain collectively  
37 with its respective board of trustees or its designated representative;  
38 and (5) permit the community college faculty and the technical college  
39 faculty as they existed prior to July 1, 1992, to continue to comprise  
40 separate units which in each case shall have the right to bargain  
41 collectively with its board of trustees or its designated representative.  
42 Nonfaculty professional staff of the above institutions may by mutual  
43 agreement be included in such bargaining units, or they may form a  
44 separate bargaining unit of their own. This section shall not be deemed  
45 to prohibit multiunit bargaining.

<b>LAB</b>	<i>JOINT FAVORABLE SUBST. C/R</i>	JUD
<b>JUD</b>	<i>JOINT FAVORABLE</i>	

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

### **OFA Fiscal Note**

**State Impact:** Potential Significant Cost<sup>1</sup>

**Affected Agencies:** Department of Correction

**Municipal Impact:** None

### **Explanation**

#### **State Impact:**

The bill allows Department of Correction (DOC) employees who are at or above the level of lieutenant the right to organize and bargain collectively unless they are managerial or confidential employees. Passage of the bill would result in potential significant costs due to an increase in the number of department employees that are able to collectively bargain and a likely increase in the current pay scales.

DOC, which has custody of approximately 17,500 inmates, operates 20 facilities across the state. Of the departments 7,000 employees, 90% (6,300) collectively bargain. The balance of DOC employees primarily consists of wardens (27), deputy wardens (14), majors (45), captains (136) and lieutenants (351). The annual base salaries for these non-bargaining employees currently range between \$65,000 and \$75,000.

---

<sup>1</sup> OFA defines significant cost as above \$100,000.

---

**OLR Bill Analysis****sSB 1034*****AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR  
DEPARTMENT OF CORRECTION OFFICERS.*****SUMMARY:**

This bill gives Department of Correction (DOC) employees at or above the level of lieutenant the right to organize and bargain collectively, unless they perform certain managerial functions or are confidential employees.

The bill also prohibits the State Board of Labor Relations from approving any bargaining unit that includes both DOC employees at or above the level of lieutenant and below the level of lieutenant.

EFFECTIVE DATE: October 1, 2001

**MANAGERIAL EMPLOYEES**

By law, some state employees, including managerial and confidential employees, do not have the right to organize and bargain collectively. Most managerial employees are defined by the duties they perform. But, under current law, DOC employees at or above the level of lieutenant are considered managerial employees regardless of their duties.

Under this bill, DOC employees at or above the level of lieutenant no longer automatically qualify as managerial employees. But they will still qualify if their principal functions include at least two of the following:

1. directing a facility or subunit of a major agency division or working as a member of an agency head's staff;
2. developing, implementing, and evaluating goals and objectives consistent with the agency's mission and policy;

3. participating in formulating agency policy; and
4. having a major role in administering collective bargaining agreements or major personnel decisions, including staffing, hiring, firing, evaluating, promoting, and training employees.

These are the same criteria as are already used to determine whether state employees, other than those working in higher education, qualify as managers.

## **BACKGROUND**

### ***Confidential Employees***

Confidential employees are employees that have access to confidential information used in collective bargaining.

### ***Bargaining Units***

The State Board of Labor Relations determines the appropriateness of a state employee bargaining unit when the union seeking to represent the employee group petitions for the board's certification as the exclusive bargaining representative.

## **COMMITTEE ACTION**

### Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 13      Nay 1

### Judiciary Committee

Joint Favorable Report

Yea 34      Nay 6